



August 13, 2003

Docket Management Facility  
US Department of Transportation (DOT)  
Room PL-401  
400 Seventh Street SW  
Washington, DC 20590-000 1

**RE: Docket # USCG-2003-14878**

MariTEL, Inc. ("MariTEL") hereby submits its comments to the United States Coast Guard ("USCG") in the above referenced proceeding, which proposes to expand the Automatic Identification System ("AIS") carriage requirements beyond Safety of Life at Sea (SOLAS) and Vessel Traffic Services (VTS) areas. MariTEL is the largest holder of VHF Public Coast (VPC) station spectrum in the United States. In 1998, MariTEL actively participated in the FCC's auction #20 of VPC licenses and was the winning bidder for all nine (9) maritime VPC areas. As a result, MariTEL became the exclusive entity (except for site-specific incumbent licensees) authorized to operate 25 kHz duplex channels for VPC use. Among the channels for which MariTEL is licensed is channel 87, which is designated as "AIS1" by the International Telecommunications Union (ITU) and used for AIS communications on the high seas. In light of MariTEL's history and long-term commitment to providing maritime communication services, we appreciate the opportunity to comment on such an important development in maritime communications.<sup>1</sup>

MariTEL supports the goal of implementing an AIS in the United States ("US") and endorses the associated benefits:

"It will facilitate vessel-to-vessel and vessel-to-shore communications; it will enhance good order and predictability on the waterways, promote safe navigation and contribute to maritime domain awareness to protect the security of our nation's ports and waterways."<sup>2</sup>

MariTEL also supports the USCG's decision to harmonize its AIS system with the international ITU-R M.1371-1 AIS standard. This decision best supports effective VTS, ship-to-ship communication and domain awareness.

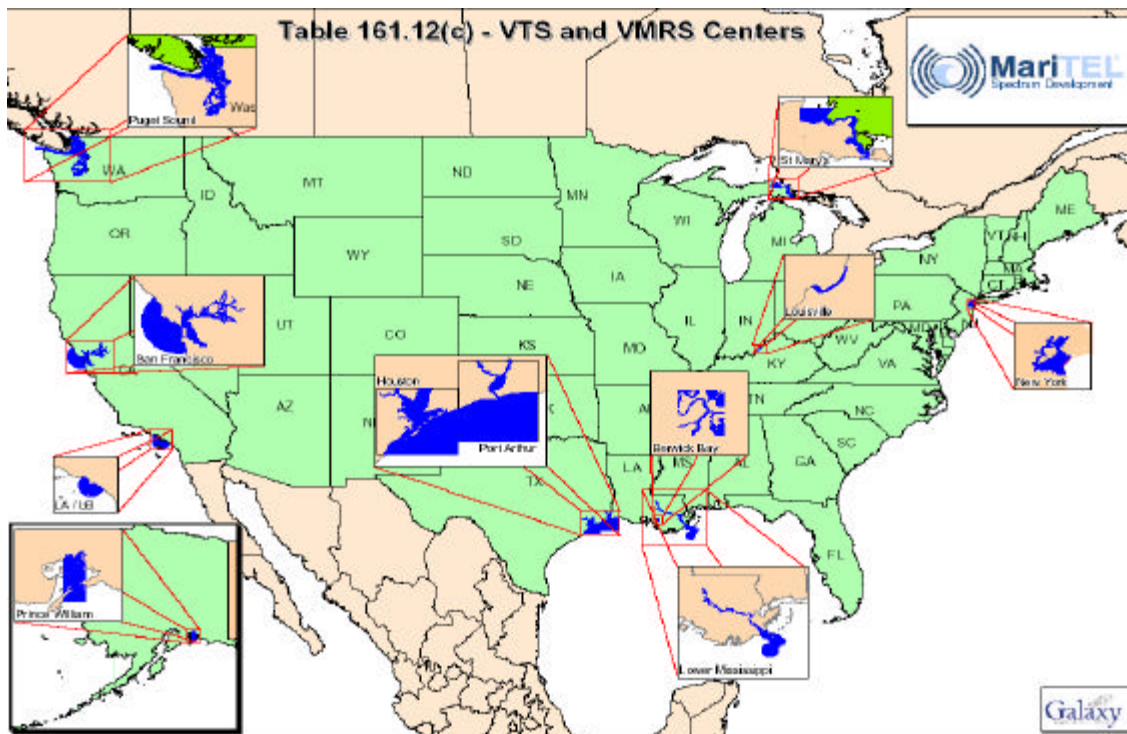
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<sup>1</sup> MariTEL previously submitted comments in the USCG's 2002 – 14069 and USCG's 2003 - 14757 proceedings, which also address the implementation of AIS carriage requirements. MariTEL requests that its comments in those proceedings be incorporated herein by reference.

<sup>2</sup> *Automatic Identification System; Vessel Carriage Requirement*, USCG 2003-14757, *Temporary Interim Rule with Request for Comment and Notice of Meeting*, 68 FR 39353 (July 1, 2003).

While MariTEL wholeheartedly supports the adoption and implementation of AIS outside the VTS areas, we question the USCG's timing of such carriage requirements without the thought and planning necessary for an effective system. Additionally, because the USCG is proceeding with two timelines for AIS implementation – one timeline for VTS areas and another timeline outside VTS areas – the need to define an integrated implementation plan is heightened. MariTEL is specifically concerned about the absence of a congruent frequency plan to support a safe and effective AIS outside VTS areas.

As the USCG is aware, MariTEL is required by Section 80.371 of the FCC's rules to provide “up to two narrowband channel pairs...for use in the PAWSS” (PAWSS is the Coast Guard's congressionally funded program to upgrade VTS systems where traffic management is needed for congested or narrow navigable waterways), which is effectively VTS areas. While the definition of these channel pairs for PAWSS is a topic of continuing discussion between the USCG and MariTEL, MariTEL has no regulatory requirement to provide the USCG channels outside of PAWSS, or VTS areas as shown on the map below. At this time, MariTEL does not envision the USCG's use of any channels within MariTEL's licensed spectrum outside of VTS areas other than the FCC's designated Channel 228B, which could be used for ship-to-ship AIS communication. The absence of clearly defined AIS channels outside of VTS areas will lead to significant Radio Frequency (RF) interference, thereby heightening the risk of AIS disruptions and increasing the likelihood of unnecessary loss of property and/or life at sea.





While the USCG states that “matters pertaining to AIS licensing, equipment certification, and frequencies are subject to Federal Communications Commission regulations and are not addressed in this rule,” the USCG may not adopt carriage requirements that conflict with the FCC’s decisions or tread on the FCC’s jurisdiction when they are implemented. The USCG’s carriage requirements are impermissible because they will implicate spectrum over which the FCC has granted control to a private entity, and not the USCG. Contrary to the USCG’s assertion, AIS channels are not subject to FCC regulations. The FCC has not designated frequencies for AIS use and has not initiated a proceeding to designate channels for AIS use. To the extent the USCG wishes to establish an AIS in the United States outside VTS areas, it must first identify channels that actually are available for this purpose.

Given that there is no agreement allowing the USCG to use MariTEL’s channel 87 and no regulatory requirement for MariTEL to provide the USCG channels outside PAWSS areas, and given the heightened risk of AIS malfunction in the absence of clearly defined AIS channels, MariTEL urges the USCG to suspend its carriage requirements proceedings until such time as these issues are resolved. Establishing an unreliable and ineffective AIS obviously is not the USCG’s goal but, in light of these unresolved problems, it currently is not possible to deploy a safe and reliable AIS outside of VTS areas.

Sincerely,

A handwritten signature in black ink that reads "Dan Smith". The signature is written in a cursive, flowing style.

Dan Smith  
President/CEO